

REMARKS

SUMMARY

Reconsideration of the application is respectfully requested. Claims 1-22 remain in the application and are subject to examination.

CLAIM REJECTIONS UNDER 35 U.S.C. § 102

In “Claim Rejections – 35 USC § 102,” item 2 on page 2, claims 1-3, 5-8 and 11 have been rejected under 35 U.S.C. 102(b) as being anticipated by Hansson, U.S. Patent No. 6,323,775 (hereinafter “Hansson”).

Applicants respectfully disagree that claim 1 is anticipated by Hansson. Claim 1 requires a mobile communication device comprising, *inter alia*, one or more components to report on one or more events to contribute to identification of a user wellness verification condition, and logic operatively coupled to the components ... to identify user wellness verification conditions based at least in part on said reporting or absence of said reporting, and to solicit, in response to each identification, a user of the device to verify wellness of the user.

Hansson discloses notifying a user of a low battery condition when the portable electronic device is proximally located to a corresponding charging unit in order to eliminate the need for the user to remember a recharge notification received at a time when a charging unit is not readily available and to decrease the likelihood the user will be on the road with a depleted battery (Col. 2, line 60-Col 3, line 7). Battery test circuitry 12 measures the remaining capacity of battery 11 and compares the capacity with a predetermined threshold value. If remaining capacity is below the threshold, the proximity of the mobile station 10 to the charging unit 30 is determined by activating the proximity detector 19. A recharge notification is activated if the proximity is adequate. (See Figure 4; Col. 8, lines 10-25).

Hansson does not teach the required identifying user wellness verification conditions based at least in part on said reporting or absence of said reporting. Hansson shows that the controller 13 monitors the output of the battery test circuitry 12 to detect when the battery capacity falls below a threshold level. Alternatively, the battery test

circuitry may send a signal to the control when batter capacity falls below the threshold level. Hansson does not disclose any logic to identify whether detection or signal of low battery condition is a user wellness verification condition. No determination is made regarding whether the detection of a low battery condition is a user wellness verification condition. Rather, in all instances, a low battery condition activates a recharge notification if the device is in proximity to a charging station. In claim 1 of the instant application, the user is solicited to verify wellness only after and in the event that the reporting or absence of reporting has been identified as a user wellness verification condition. Hansson does not activate a recharge notification in response to any identification of a user wellness verification condition. Hansson fails to show or suggest the required logic to make any identification. Further, nowhere does Hansson suggest its detection of low battery condition is or may indicate any user wellness verification condition.

Thus, Hansson fails to teach the novel combination of claim 1. Therefore, claim 1 is patentable over Hansson.

Claims 2-3, 5-8 and 11 depend from claim 1, incorporating its limitations. Thus, for at least the reasons stated above, claims 2-3, 5-8 and 11 are patentable over Hansson.

CLAIM REJECTIONS UNDER 35 U.S.C. § 103

In “Claim Rejections – 35 USC § 103,” Item 4 on page 4, claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hansson in view of Layson Jr., U.S. Patent No. 5,731,757 (hereinafter “Layson”).

Claim 4 depends from claim 1, incorporating its limitations. Layson does not remedy the deficiencies of Hansson; namely, Layson does not show or suggest logic to identify user wellness verification conditions based at least in part on said reporting or absence of said reporting, and to solicit, in response to each identification, a user of the device to verify wellness of the user. Therefore, for at least the same reasons discussed above, claim 4 is patentable over the proposed combination of Hansson in view of Layson.

Further, there is no motivation to modify Hansson with the teachings of Layson. Neither reference, nor any knowledge generally available to one of ordinary skill in the

art suggests modifying Hansson's method, system, and apparatus for notifying a mobile device user of low battery level when the user is near a charging unit with the motion detector from Layson's portable tracking apparatus for continuous position determination of criminal offenders and victims.

In "Claim Rejections – 35 USC § 103," Item 5 on page 6, Claims 9-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hansson in view of Murphy, U.S. Patent No. 6,236,326 (hereinafter "Murphy").

Claims 9 and 10 depend from claim 1, incorporating its limitations. Murphy does not remedy the deficiencies of Hansson, namely, Murphy does not show or suggest logic to identify user wellness verification conditions based at least in part on said reporting or absence of said reporting, and to solicit, in response to each identification, a user of the device to verify wellness of the user. Further, there is no motivation to modify Hansson with the teachings of Murphy. Neither reference, nor any knowledge generally available to one of ordinary skill in the art suggests modifying Hansson's method, system and apparatus for notifying a user of low battery level when the user is near a charging unit with Murphy's

Neither reference, either alone or in combination, shows or suggests the novel combinations of claims 9 and 10. Therefore, for at least the reasons discussed above, claims 9 and 10 are patentable over the proposed combination of Hansson in view of Murphy.

In "Claim Rejections – 35 USC § 103," Item 6 on page 7, Claims 12-16 & 20-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hansson in view of Snell, U.S. Patent No. 5,383,091 (hereinafter "Snell").

Claim 12 contains in substance at least the same limitations as claim 1. Snell does not remedy the deficiencies of Hansson, namely the proposed combination of references fails to show logic to identify user wellness verification conditions based at least in part on said reporting or absence of said reporting, and to solicit, in response to each identification, a user of the device to verify wellness of the user. Snell discloses a grip and protective casing made of elastomeric material for a cellular telephone. Snell does

not disclose any logic, including logic to identify user wellness verification conditions or to solicit a user response.

Further, neither reference, either alone or in combination, shows one or more components embedded in the cover body ... to at least contribute to enabling the mobile device to monitor and receive reporting events” The casing in Snell has no components to enable any functions of the mobile device.

Finally, there is no motivation to combine Hansson and Snell. Neither reference, nor any knowledge generally available to one of ordinary skill in the art suggests modifying Hansson’s method, system and apparatus for notifying a mobile device user of low battery level when the user is near a charging unit with Snell’s elastomeric grip and protective casing. The examiner indicates the motivation to modify Murphy with the teaching of Snell is “to protect or secure the telephone device from scratching or damaging and serving cushion the telephone impact when it set down or dropped.” This combination does not address any disadvantage in Hansson, nor is it pertinent to the problem at which the present invention is aimed.

Neither reference, either alone or in combination, shows or suggests the novel combination of claim 12. Thus, for at least the foregoing reasons, claim 12 is patentable over the proposed combination of Hansson in view of Snell.

Claims 13-16 and 20-22 depend from claim 12, incorporating its limitations. Therefore, for at least the reasons stated above, claims 13-16 and 20-22 are patentable over Hansson in view of Snell.

In “Claim Rejections – 35 USC § 103,” Item 7 on page 9, Claims 17-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hansson in view of Snell further in view of view of Murphy.

Claims 17 and 18 depend from claim 12, incorporating its limitations. The proposed combination of Hansson in view of Snell in further view of Murphy does not remedy the previously discussed deficiencies of each of these references, alone or in any combination. Therefore, for at least these reasons, claims 17 and 18 are patentable over the proposed combination of Hansson in view of Snell in further view of Murphy.

In "Claim Rejections – 35 USC § 103," Item 7 on page 8, Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hansson in view of Snell further in view of Layson.

Claim 19 depends from claim 12, incorporating its limitations. The proposed combination of Hansson in view of Snell in further view of Layson does not remedy the previously discussed deficiencies of each of these references, either alone or in any combination. Therefore, for at least these reasons, claim 19 is patentable over the proposed combination of Hansson in view of Snell in further view of Layson.

CONCLUSION

In view of the foregoing, Applicants submit that claims 1-22 are in condition for allowance. Thus, reconsideration and allowance of claims 1-22 is solicited. If the Examiner has any questions concerning the present paper, the Examiner is kindly requested to contact the undersigned at (503)222-9981. If any fees are due in connection with filing this paper, the Commissioner is authorized to charge the Deposit Account of Schwabe, Williamson and Wyatt, P.C., No. 50-0393.

Respectfully submitted,
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